

CHAPTER 7 - REGULATORY AND OTHER COMMITTEES

A REGULATORY AND OTHER COMMITTEES

1 The Council will appoint the Committees set out in the table, "Responsibility for Council Functions" in Chapter 4, Section C of the Constitution to discharge the functions described.

- a) Licensing and Regulatory;
- b) Planning;
- c) Employment Procedure;
- d) Appeals;
- e) Audit and Governance; and
- f) Pay and Grading.

GENERAL TERMS OF REFERENCE AND MEMBERSHIP OF REGULATORY AND NON-EXECUTIVE COMMITTEES

Committee	Membership	Functions
1 Planning Committee	15 Members of the Authority to form a politically balanced Committee	<p>Planning and Conservation</p> <p>Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended (the Functions Regulations).</p>
2 Licensing and Regulatory Committee	15 Members of the Authority to form a politically balanced Committee	<p>Private/public hire vehicles, gaming, entertainment, food, liquor and miscellaneous licensing</p> <p>Functions relating to licensing and registration as</p>

Committee	Membership	Functions
		<p>set out in Schedule 1 to the Functions Regulations.</p> <p>Health and Safety</p> <p>Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer</p>
3 Licensing Sub-Committee	3 Members of the Licensing & Regulatory Committee	Functions under the Licensing Act 2003
4 Hearings Sub-Committee	All Members of the Committee. Quorum of 3 including one independent Member to be chaired by an independent member	To hear and determine any matters referred for investigation
5 Appeals Committee	All Members of the Council to form a Panel from which 3 Members are	<p>Appeals matters including:-</p> <p>Certain Staffing Matters</p> <p>Education Financial Awards</p>

Committee	Membership	Functions
	<p>selected to form a politically balanced Committee</p>	<p>Social Services Issues</p> <p>Housing matters</p> <p>Any other appeals</p>
<p>6 Employment Procedure Committee</p>	<p>All Members of the Council to form a Panel from which 3 Members are selected to form a politically balanced Committee.</p> <p>At least one Member of the Cabinet to be included on the Committee</p>	<p>The appointment, discipline and dismissal of Chief Officers (as defined in Section 2 of the Local Government and Housing Act 1989).</p> <p>The appointment of Chief Executive as the Head of Paid Service for submission to the Council and recommendations as to dismissal and appropriate action in relation to alleged misconduct (upon receipt of statutory report).</p>
<p>7 Pay & Grading Committee</p>	<p>6 Members (two from each Group)</p>	<p>To monitor progress towards the completion of the Pay & Grading review</p>
<p>8 Audit & governance committee</p>	<p>10 Members of the Authority to form a politically balanced Committee</p>	<p>To consider and approve the Council's accounts, internal control systems and corporate governance issues.</p>
<p>9 Initial Assessment Sub-</p>	<p>All Members of the Committee. Quorum of 3 including one</p>	<p>To determine whether to investigate written complaints that a Member is in breach of the Code of</p>

Committee	Membership	Functions
Committee	independent Member to be chaired by an independent member	Conduct.
10 Review Sub-Committee	All Members of the Committee. Quorum of 3 including one independent Member to be chaired by an independent member	To review and determine any decision of the Initial Assessment Sub-Committee not to refer a matter for investigation. NB. A Member may not sit on both the Initial Assessment Sub-Committee and Review Sub-Committee in respect of the same matter but may sit at the final hearing)

B RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

- 11 The responsibility for functions which may be (but need not be) the responsibility of the Executive set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, are set out below:-

Function	Decision Making Body	Delegation of Functions
12 Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authority (Functions and Responsibilities) Regulations 2000 as amended	Licensing and Regulatory Committee	Head of Corporate Legal Services Strategic Director – Place
13 The discharge of any function relating to the control of pollution or the	Licensing and Regulatory	Strategic Director –

Chapter 7 – Regulatory and Other Committees

Function	Decision Making Body	Delegation of Functions
management of air quality	Committee	Place
14 The service of an abatement notice in respect of a statutory nuisance	Licensing and Regulatory Committee	Strategic Director – Place
15 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Licensing and Regulatory Committee	
16 The inspection of the Authority's area to detect any statutory nuisance	Licensing and Regulatory Committee	Strategic Director – Place
17 The investigation of any complaint as to the existence of a statutory nuisance	Licensing and Regulatory Committee	Strategic Director – Place
18 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Planning Committee	Head of Corporate Legal Services
19 The obtaining of agreements for the execution of highways works	Planning Committee	Strategic Director – Place

DELEGATIONS TO REGULATORY AND NON-EXECUTIVE COMMITTEES

PLANNING COMMITTEE

20 Determination of major applications (as classified by DETR for monitoring purposes) comprising

- a) or more dwellings, or the site area is 0.5 hectares or more where the number of dwellings is not specified;
- b) new floor space of 1000 sq. metres or more , or the site area is 1 hectare or more where the floor space involved is not specified;

- c) a material departure from the development plan (Annex 3 of DETR Circular 1991/92);
 - d) where an objection has been lodged on planning grounds (Section 70 of the [Town and Country Planning Act 1990](#)) except when the application is being recommended for refusal, and subject to Section 3 below;
 - e) where an application raises an issue of principle;
 - f) where an application requires a planning obligation (Section 106/299A of the [Town and Country Planning Act 1990](#)) involving a capital receipt or works in lieu;
 - g) those applications subject of a written request from a Council member.
- 21 Determination in accordance with policies in the development plan, Supplementary Planning Documents and supplementary planning guidance of (minor) categories of applications when one or more objections are received except where a petition has been submitted requesting the opportunity to address the Committee
- 22 Expressing views of the Council on matters arising from consultations.
- 23 Authorisation to enter into agreements under Sections 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 for planning purposes and to approve entry into the budgetary process at the appropriate time of any commuted sums payable thereunder.
- 24 The making of grants for environmental improvement work, including grants
- a) under the National Parks and Access to the Countryside Act, 1949 where any individual grant exceeds £20,000;
 - b) under the Local Authorities (Historic buildings) Act 1982 and associated legislation where any individual grant exceeds £20,000.
- 25 The appointment, where appropriate, of Counsel and expert witnesses to represent the Authority at Planning Inquiries, and to agree as required the Council's grounds for appeal.
- 26 To monitor performance with regard to planning matters for example
- a) applications decided;
 - b) enforcement activity;

- c) appeals;
 - d) section 106 obligations;
 - e) best value action plan.
- 27 Authority to issue enforcement notices, stop notices or injunctions and to undertake works in default except where the Council is exposed to financial liability exceeding £25,000 when the matter shall be referred to the Cabinet.
- 28 The making of limestone pavement orders under the Wildlife and Countryside Act 1981.
- 29 To authorise the stopping-up or diversion of footpaths or bridleways, under the Town and Country Planning Act, 1990.
- 30 To extinguish public rights of way over land held for planning purposes, under the Town and Country Planning Act, 1990.

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HIGH HEDGES

31 The following functions under Part 8 of the Anti-Social Behaviour Act 2003 (ASBA 2003):-

- a) To investigate and make decisions in respect of complaints made under S.68 ASBA 2003.
- b) Where a decision has been made to issue a remedial notice under S.69 ASBA 2003, to authorise the Head of Corporate Legal Services to issue and serve a remedial notice.
- c) Where a remedial notice has been issued, to authorise the withdrawal or relaxation of the requirements of that notice under S.70 ASBA 2003.
- d) Where a remedial notice has been issued and has not been complied with, to authorise the Head of Corporate Legal Services to take proceedings for an offence under S.75 and/or S.78 ASBA 2003.
- e) Where a remedial notice has been issued and has not been complied with, to authorise appropriate persons to enter the neighbouring land and take the action required by the notice under S.77 ASBA 2003.
- f) To appoint authorised officers for the purpose of entering land in connection with the functions set out in S.74 ASBA 2003 and to authorise the taking of proceedings against persons who intentionally obstruct a person acting in the exercise of the powers under S.74 ASBA 2003.
- g) Where the local authority has received a fee under S.68(1)(b) ASBA 2003, to authorise the refunding of all or part of that fee to the complainant in such circumstances as the Head of Corporate Legal Services may determine, pursuant to S.68(8) ASBA 2003.

PLANNING URGENT REFERRALS COMMITTEE

32 To deal with the urgent work of the Planning Committee arising at any time which cannot wait for the next scheduled meeting of that Committee.

LICENSING AND REGULATORY COMMITTEE

33 To exercise the functions of the Licensing Authority in accordance with the Licensing Act, 2003;

34 To delegate its functions in relation to 1 above, to Licensing Sub-Committees (consisting of 3 Members) and the Environmental Protection Director in accordance with "the recommended delegation of functions" set out in the

Secretary of State's Guidance issued under Section 182 of the Licensing Act, 2003, and authority for the Strategic Director – Place to institute and carry on prosecutions and proceedings for alleged offences under the Act;

- 35 To delegate its functions in relation to the Gambling Act 2005 to Licensing Sub-Committees (consisting of three Members) and the Strategic Director – Place in accordance with "the recommended delegation of functions" set out in the Gambling Commissions "Guidance to Licensing Authorities" issued under Section 25 of the Gambling Act 2005 , and authority for the Strategic Director – Place to institute and carry out prosecutions and proceedings for alleged offences under the Act.
- 36 The making of byelaws relating to hackney carriages and horse drawn omnibuses.
- 37 The appointment of hackney carriage and horse drawn omnibus stands and the fixing of fares and other charges for the hire of hackney carriages and horse drawn omnibuses.
- 38 To approve the fitting of One Way or Privacy Glass to any taxi and private hire vehicle, other than a 'Special Event' private hire vehicle.
- 39 The determination of applications for general safety certificates and special safety certificates under the Fire Safety and Safety of Places of Sport Act, 1987, together with the power to amend, replace, transfer or cancel such certificates.
- 40 The power to fix fees in respect of applications for the issue or amendment of general safety certificates and special safety certificates.
- 41 Determination whether a particular film should be viewed and whether it should be allowed to be exhibited.
- 42 Determination of applications for the grant, renewal, transfer or revocation of licences for sex establishments.
- 43 Determination of applications for permission to display advertisements on metropolitan and saloon type hackney carriages and horse drawn omnibuses referred by the Strategic Director – Place.
- 44 All issues relating to the approval of premises for the conduct of Civil Marriages, including the setting of fees.
- 45 Determination of applications for the licensing of vehicles as Special Event Luxury Private Hire Vehicles and the imposition of any special conditions deemed appropriate.

- 46 Determination of applications for the licensing of hackney carriage and private hire vehicles and horse drawn omnibuses which do not comply fully with Licensing Pre-Conditions P4.1 and P4.3 relating to the age of vehicles where the vehicle is of exceptional quality and condition.
- 47 The granting of track betting licences and the licensing of inter-track betting schemes.
- 48 The passing of a Resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.
- 49 Functions relating to sea fisheries. (Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act, 1966).
- 50 The hearing of representations and determination of applications for registration as a Motor Salvage Operator, under the Motor Salvage Operations Regulations 2002, where the Strategic Director – Place proposes to refuse or cancel registration and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about that proposal.
- 51 The power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption under the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001 and Criminal Justice and Police Act 2001.
- 52 To delegate its functions in relation to Sections 19-28 of the Criminal Justice and Police Act 2001 (service of Closure Notices) to the Strategic Director – Place.

LICENSING SUB- COMMITTEE

- 53 To exercise the functions of the Licensing Authority in accordance with the recommended delegations of functions set out in the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.
- 54 To exercise the functions under the Gambling Act 2005 in accordance with the recommended delegation of functions set out in the Gambling Commission's "Guidance to Licensing Authorities" issued under Section 25 of the Gambling Act 2005.
- 55 To disapply the stay provision under Section 208(2) of the Gambling Act 2005 when making a determination under Part 8 of the Act, on a case by case basis.

LICENSING (SEXUAL ENTERTAINMENT VENUES) SUB-COMMITTEE

- 56 Three Members of the Licensing and Regulatory Committee, as determined by the Director of Corporate Commissioning, to determine applications for the grant, renewal, transfer or revocation of licenses for sexual entertainment venues in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009.

LICENSING AND REGULATORY URGENT REFERRALS COMMITTEE

- 57 To deal with the urgent work of the Licensing and Regulatory Committee arising at any time which cannot wait for the next scheduled meeting of that Committee.

Appeals Committee

PERSONNEL MATTERS

- 58 In respect of JNC officers, where the matter relates to a decision by the Cabinet, the hearing and determining of grievances and appeals other than in relation to pay/grading matters. (Grievances and appeals not relating to a decision of the Cabinet will be heard and determined by three Members of the Cabinet).
- 59 To consider any appeal from the Chief Executive, Monitoring Officer or S151 Officer against the decision of any Committee or Sub-Committee following the Report of a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 and in the case of the Chief Executive to make recommendations to Council thereon.
- 60 To consider any appeal from a Chief Officer (defined as senior management posts graded Hay 5 or above other than the Council's Monitoring Officer or S151 Officer) against the decision of any Committee or Sub-Committee dealing with the report of an Investigating Officer into alleged misconduct on the part of the chief Officer.
- 61 To consider any appeal from the Chief Executive against the decision of any Committee or Sub-Committee dealing with a report relating to his dismissal on the grounds of redundancy, capability or ill-health and to make recommendations to Council thereon.
- 62 To consider and determine any appeal from a Chief Officer (defined as senior management posts graded Hay 5 or above) against the decision of any

Committee or Sub-Committee dealing with a report relating to his dismissal on the grounds of redundancy, capability or ill-health.

EDUCATION MATTERS

63 Appeals against decisions taken by the Strategic Director – People relating to:-

- (a) refusal of discretionary awards;
- (b) refusal of Benefit and Maintenance Allowances;
- (c) refusal to approve payment of expenses of students attending residential schools;

64 Determination of appeals by teaching staff of non-delegated schools and services against salary assessments made under the current School Teachers Pay and Conditions document.

CHILDREN'S SERVICES MATTERS

65 Consideration and determination of appeals against decisions of the Strategic Director – People in respect of tenancy guarantees.

66 To consider and determine appeals against decisions of the Strategic Director – People concerning access to personal files (for under 19's).

SOCIAL SERVICES MATTERS

67 To consider and determine appeals against decisions of the Strategic Director – People concerning access to personal files.

OTHER APPEALS

68 To determine any other appeals against decisions taken by or proposed to be taken by or on behalf of the Authority.

EMPLOYMENT PROCEDURE COMMITTEE

69 To appoint Chief Officers (all senior management posts graded Hay 5 or above) in accordance with the following procedure:

- a) the Committee shall consider and agree the wording of the job description and the person specification;
- b) the Committee shall consider and agree the job advertisement and where it will be placed;

(The process at (a) and (b) may be delegated to the appropriate Chief Officer).

- c) the Chief Executive and/or appropriate Officers, together with one Member from each Party Group, shall consider and draw-up a longlist of candidates on the basis of the match between the job description and the person specification and the application forms;
- d) the Chief Executive and/or appropriate Officer shall interview longlist candidates with a view to selecting a shortlist for the full selection process. The longlisting interviews shall be open to attendance by one Member from each of the Party Groups;
- e) if an Assessment Centre is to be used as part of the selection process, the Committee shall determine how Members may be involved as observers;
- f) the Committee shall formally interview the selected candidates.

(An offer of employment as a Chief Officer shall only be made where no material or well-founded objection of any Member of the Cabinet has been received, following the nomination of the proposed appointee by the Head of Corporate Personnel to every Cabinet Member, and a suitable period for objection).

- 70 Where the value of a proposed remuneration package is over £100k it will be recommended for approval to the full Council prior to the post being advertised.
- 71 To consider requests for honoraria and acting up payments for Chief Officers.
- 72 To recommend to the Council for confirmation, the appointment of the Chief Executive as Head of Paid Service:
- 73 The procedure in paragraph 68 (a) to (f) above, shall be followed save in relation to (c) and (d) above, where the Leader of the Council and the Leaders of the other political groups (or their nominees) shall act.

(An offer of employment as Chief Executive shall only be made where no material or well-founded objection of any Member of the Cabinet has been received, following the nomination of the proposed appointee by the Head of Corporate Personnel to every Cabinet Member and a suitable period for objection).

- 74 To consider and make recommendations to Council as to the appropriate action to be taken in respect of any report submitted by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 in relation to alleged misconduct by the Chief Executive.
- 75 To consider and take appropriate action in respect of any report submitted by a designated independent person under Regulation 7 of the Local Authorities

(Standing Orders) (England) Regulations 2001 in relation to alleged misconduct by the Council's Monitoring Officer or Chief Finance Officer.

- 76 To consider and take appropriate action in respect of the Investigating Officer's Report in relation to the alleged misconduct of any Chief Officer (other than the Council's Monitoring Officer or Chief Finance Officer).

(The relevant Officer will have the right of appeal to the Council's Appeals Committee in respect of any decision made by the Committee under paragraphs, 3, 4 or 5).

- 77 To consider and make recommendations to Council as to the appropriate action in respect of any report relating to the dismissal (including on the grounds of redundancy, capability or ill-health) of the Chief Executive.

- 78 To consider and take appropriate action in respect of any report relating to the dismissal (including on the grounds of redundancy, capability or ill-health) of any Chief Officer.

(A notice of dismissal in respect of the Chief Executive or Chief Officer may only be made where no material or well founded objection of any member of the Cabinet has been received, following notification of the proposed dismissal to every Cabinet Member by the Head of Corporate Personnel or Chief Executive and suitable period for objection).

PAY & GRADING COMMITTEE

- 79 To review the Council's Pay Policy annually, or sooner if required, and make recommendations to the full Council for approval.

- 80 To review and determine pay and grading structures and other employees pay arrangements (eg overtime and shift arrangements), as required, and make recommendations to the Cabinet in relation to the financial consequences.

- 81 Make recommendations on the implementation of review outcomes (eg. date of implementation, appeals process, assimilation arrangements).

- 82 To mandate the Head of Corporate Personnel and/or other Directors responsible for consulting and/or negotiating with the recognised trade unions relative to the desired outcomes from the review.

- 83 As necessary, to meet with representatives of the recognised trade unions for the purpose of consultation (not negotiation).

AUDIT AND GOVERNANCE COMMITTEE

- 84 To consider the Chief Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's Corporate Governance arrangements.
- 85 To consider summaries of specific internal audit reports as requested.
- 86 To consider reports dealing with the management and performance of the providers of internal audit services.
- 87 To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- 88 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- 89 To consider specific reports as agreed with the external auditor.
- 90 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 91 To liaise with the Audit Commission over the appointment of the Council's external auditor.
- 92 To commission work from internal and external audit.
- 93 To maintain an overview of the Council's constitution of contract procedure rules, financial regulations and codes of conduct and behaviour.
- 94 To review any issues referred to it by the Chief Executive or Director, or any Council body.
- 95 To monitor the effective development and operation of risk management and corporate governance in the Council.
- 96 To monitor Council policies on 'whistle-blowing' and the anti-fraud and anti-corruption strategy anti-money laundering , bribery and the Council's complaints process and review as necessary.
- 97 To oversee the production of the authority's Statement of Internal Control and to approve its adoption.
- 98 To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- 99 To consider the Council's compliance with its own and other published standards and controls.

- 100 To review and approve the annual statement of accounts in accordance with the relevant statutory timescales. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 101 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 102 To receive the audited accounts and activities of external service providers (including Capita Symonds and Arvato).
- 103 To make payments or provide other benefits in cases of maladministration etc. under Section 92 of the Local Government Act, 2000 in excess of £1,000.
103. To make recommendations to the Council on the adoption, implementation and maintenance and review of a local Code of Conduct for Members – co-opted Members and officers of the Council.
104. To determine effective training of Councillors and Co-opted Members in matters of conduct and advice to individuals on issues relating to the treatment of interests and on the propriety of conduct generally.
105. To deal with the arrangements for Councillors to receive dispensations to speak on, or participate in, matters in which they have an interest.
106. To determine the appropriate action on matters referred to the Committee by the Monitoring Officer including disciplinary matters relating to the conduct of individual and/or groups of Councillors.
107. To ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by the Committee
108. To deal with appropriate matters referred to it from other Committees.
109. To determine any applications for the grant and supervision of exemptions from political restrictions in accordance with Section 3A of the Local Government and Housing Act 1989.

INITIAL ASSESSMENT SUB COMMITTEE

- 110 To receive and determine whether to refer for investigation or other appropriate action any written complaints regarding alleged misconduct in breach of the Code of Conduct of any Borough or Parish or Town Councillor or Co-opted Member.

REVIEW SUB-COMMITTEE

- 111 To further review and re-consider the decision of the Initial Assessment Sub-Committee in relation to any decision not to refer an allegation for investigation or any other action which was consider by the Sub-Committee and to determine that matter.

HEARING SUB-COMMITTEE

- 112 To hear and determine any complaints which have been referred for investigation.
- 113 To impose sanctions where a Councillor is found to have breached the Code of Conduct including the following:
- a) Report the findings of the hearing to the Council for information
 - b) Recommend to the Councillors' Group Leader that the Councillor be removed from any or all Committees, Sub-Committees of the Council. Where Councillors do no belong to such a Group such recommendation could be made to full Council.
 - c) Recommend to the Leader of the Council that Councillor be removed from Cabinet or removed from particular portfolio responsibilities
 - d) Arrange training for a Member

C APPOINTMENT OF OFFICERS

- 103 The power to appoint staff is delegated to the Head of the Paid Service or his/her nominee, save in the case of Chief Officers posts (those Officers graded Hay 5 or above). In the cases of Chief Officers and Deputy Chief Officers (as defined in Section 2 of the Local Government and Housing Act, 1989) and graded Hay 5 or above) they are to be appointed by the Employment Procedure Committee, in accordance with the agreed procedure set out in the Officer Employment Procedure Rules and terms of reference of the Employment Procedure Committee.